

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DeQUAN ONEAL BADON #502613,

Plaintiff,

Case No. 1:07cv496

v.

Hon. Robert J. Jonker

C. ROBIN, et al.,

Defendant.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 21 2009. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed January 21 2009, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that the claims against Dr. Rhoar are **DISMISSED** without prejudice for failure to achieve service under Rule 4(m) of the Federal Rules of Civil Procedure. The motion for summary judgment filed by Defendant Robin Miller (identified in the Complaint as C. Robin) (docket #20) is **GRANTED** and Judgment is entered in her favor on all plaintiff's claims.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: February 24, 2009.